

Attorney Docket No: MCTA-005/00US

PATENT

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR ENHANCING BUYER AND SELLER INTERACTION DURING A GROUP-BUYING SALE

the specification of which:

- ☐ is attached hereto.
- ☐ was filed on even date herewith, and identified as Attorney Docket No. MCTA-005/00US.
- ☒ was filed on June 19, 2000, as Application Serial No. 09/596,921.

and

- ☐ the amendment(s) of which were filed on .

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) (Country) (Number) (Day/Month/Year Filed)

Priority Claimed (Yes/No)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Appl. Ser. No.

Filing Date

Status (Pat'd./Pend./Aband.)

I further direct that correspondence concerning this application be directed to

COOLEY GODWARD LLP

Attention: Patent Group

Five Palo Alto Square

3000 El Camino Real

Palo Alto, CA 94306-2155

Telephone (650) 843-5000.

Facsimile (650) 857-0663

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: VAN HORN, Tom

Inventor's signature Tom Van Horn Date 8/3/00

Residence: Bellevue, Washington

Citizen of: United States of America

Post Office Address: 9501 S. E. Fifth Street
Bellevue, WA 98004

Full name of sole or second inventor: WOODFORD, Dale A.

Inventor's signature Dale A Woodford Date 8/3/00

Residence: Redmond, Washington

Citizen of: United States of America

Post Office Address: 10828 - 180th Court, N.E.
Redmond, WA 98053

Full name of sole or third inventor: HALBERT, Richard V.

Inventor's signature Richard V. Halbert Date 8/3/00

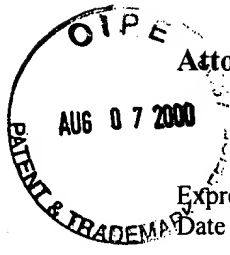
Residence: Redmond, Washington
Citizen of: United States of America
Post Office Address: 2509 Sahalee Drive, E.
Redmond, WA 98053

Full name of sole or fourth inventor: WAMPLER, Kevin Dean

Inventor's signature Kevin Dean Wampler Date 8/3/00

Residence: Bellevue, Washington
Citizen of: United States of America
Post Office Address: 17111 N.E. 35th Street
Bellevue, WA 98008

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Attorney Docket No: MCTA-005/00US

PATENT

Express Mail Label Number:
Date of Deposit:

EL514040184US
7 AUGUST 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

Date:

7 August 2000

By:

Michael Miller

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Tom VAN HORN, et al.

Serial No.: 09/596,921

Examiner: Not Yet Assigned

Filed: June 19, 2000

Art Unit: Not Yet Assigned

For: SYSTEM AND METHOD FOR ENHANCING BUYER AND SELLER
INTERACTION DURING A GROUP-BUYING SALE

Assistant Commissioner for Patents
Washington, D.C. 20231

POWER OF ATTORNEY BY ASSIGNEE AND EXCLUSION OF INVENTORS UNDER 37 CFR 1.36 AND 3.71

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints:


Alexandra J. Baran	39,101	Frank V. Pietrantonio	32,289
Jay P. Chawla	44,073	Marya A. Postner	42,085
Nathan K. Cummings	46,093	Michelle S. Rhyu	41,268
Shelley P. Eberle	31,411	Bryan D. Richardson	43,043
Thomas L. Ewing	34,328	Howard R. Richman	41,451
Karen E. Flick	44,111	Randy V. Sabett	43,074
Willis E. Higgins	23,025	Gurjeev K. Sachdeva	37,434
William G. Hughes, Jr.	46,112	Allan M. Soobert	36,284

Madison C. Jellins	35,555	C. Scott Talbot	34,262
Duane S. Kobayashi	41,122	Rick A. Toering	43,195
Marcella Lillis	36,583	Brenda J. Wallach	45,193
Thomas W. Lynch	42,820	Noel B. Whitley	42,225
Erik B. Milch	42,887	Michael A. Wrenn	42,237
Tom M. Moran	26,314	Alan A. Wright	40,428
Richard L. Neeley	30,092	Peter J. Yim	44,417
David J. O'Neill	42,953	Kevin J. Zimmer	36,977
Jeffrey A. Pade	42,970		

all of the firm of Cooley Godward LLP, as its attorneys to prosecute this application and to transact all business in the Patent Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of Rule 36 of the Patent Office Rules of Practice.

Please direct all correspondence to:

Cooley Godward LLP
 Attention: Patent Group
 Five Palo Alto Square
 3000 El Camino Real
 Palo Alto, CA 94306-2155
 Tel: (650) 843-5000

Assignee: MERCATA, INC.
 Signature: 
 Typed Name: Tom Van Horn
 Title: President & CEO
 Address: Mercata, Inc.
 110 110th Avenue NE
 Bellevue, WA 98004-5840

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ASSIGNMENT

Whereas,

Tom VAN HORN residing at 9501 S. E. Fifth Street, Bellevue, WA 98004;
Dale A. WOODFORD residing at 10828 – 180th Court, N.E, Redmond, WA 98053;
Richard V. HALBERT residing at 2509 Sahalee Drive, E, Redmond, WA 98053;
Kevin Dean WAMPLER Ph.D. residing at 17111 N.E. 35th Street, Bellevue, WA 98008;
(hereinafter referred to individually and collectively as “Inventor”) have made an invention relating to certain new and useful improvements in:

SYSTEM AND METHOD FOR ENHANCING BUYER AND SELLER
INTERACTION DURING A GROUP-BUYING SALE

and executed therefor an Application for Letters Patent of the United States and

[] having an oath or declaration executed on even date herewith;
[X] bearing Serial No. 09/596,921 and filed on June 19, 2000
[] issued as a Patent No. ____ on ____

Whereas, Mercata, Inc. (hereinafter “Assignee”), a corporation of Washington, and having a principal place of business at 110 110th Avenue NE, Bellevue, WA 98004-5840, is desirous of acquiring the entire right, title, and interest in and to said invention, said Application, and the Letters Patent to be obtained therefor:

Now, therefore, for and in consideration of One Dollar and other good and valuable considerations, to Inventor in hand paid, the receipt and sufficiency whereof are hereby acknowledged, Inventor has sold, assigned, and set over and by these presents does hereby sell, assign, and set over unto Assignee and Assignee’s legal representatives, successors and assigns, the entire right, title, and interest in and to said invention, said Application and any other application, domestic or foreign, that claims said invention, as well as any Letters Patent, domestic or foreign, that may or shall issue thereon; and Inventor does hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this Assignment.

The terms “Application” and “Application for Letters Patent” as used herein include both provisional and non-provisional applications.

Inventor hereby authorizes the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said Application or any other information that may be necessary or desirable in order to

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comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Upon said consideration, **Inventor** conveys to Assignee the right to make application in its own behalf for protection of said invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the United States application (or other application if any there be) in priority to other applications; and **Inventor does hereby covenant** and agree with Assignee that Inventor will not execute any writing or do any act whatsoever conflicting with these presents, and that Inventor will at any time upon request, without further or additional consideration, but at the expense of Assignee, execute such additional assignments and other writings and do such additional acts as Assignee may deem necessary or desirable to perfect Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuation, continuation-in-part, renewal, reexamined, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of both parties.

Date: 6/3/00

By: Tom Van Horn
Tom VAN HORN

Date: 8/3/00

By: Dale A Woodford
Dale A. WOODFORD

Date: 8/3/00

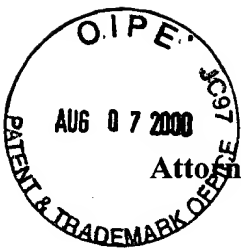
By: Richard V. Halbert
Richard V. HALBERT

Date: 8/3/00

By: Kevin Dean Wampler
Kevin Dean WAMPLER Ph.D.

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Attorney Docket No: MCTA-005/00US

PATENT

Applicant or Patentee: Tom VAN HORN, et al.

Serial No.: 09/596,921

Patent No.:

Filed: June 19, 2000

Issued:

For: SYSTEM AND METHOD FOR ENHANCING BUYER AND SELLER
INTERACTION DURING A GROUP-BUYING SALE

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 CFR SECTIONS 1.9(f) & 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern
identified below:

Name of Small Business Concern: Mercata, Inc.

Address of Small Business Concern: 110 110th Avenue NE,
Bellevue, WA 98004-5840

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under 35, United States Code 41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention identified above and described in

☐ the specification filed herewith

☒ the application identified above

☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would

not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name:

Address:

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements are made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature

Tom Van Horn

Date

August 3, 2000

Name of Person Signing

Tom Van Horn

Title of person other than owner

President and CEO

Address of person signing

110-110 Avenue North East, Suite 390

Bellevue, Washington 98004-5840

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